

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

In re:	)	
ROBERT FUENTES, AND	)	Case No. 19-10041
SANDRA CRUZ FUENTES,	)	(Chapter 7)
	)	
Joint Debtors.	)	

MOTION TO AVOID JUDICIAL LIEN WITH BRIEF COMBINED,  
AND NOTICE OF OPPORTUNITY FOR HEARING

**Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document.** If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

**The 14-day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).**

COME NOW the Debtors, ROBERT FUENTES and SANDRA CRUZ FUENTES, by and through counsel, B. DAVID SISSON, and pursuant to 11 U.S.C. § 522(f) (2006) and Fed. R. Bankr. P. 4003(d), 9014, move this Honorable Court for an order avoiding a certain judicial lien against real property which is the Debtors' principal residence. In support of this Motion, Debtors respectfully show:

1. Debtors filed their Chapter 7 petition on January 8, 2019.
2. This Motion is filed pursuant to 11 U.S.C. § 522(f) to avoid and cancel a judicial

lien held by AMERICAN BUILDERS & CONTRACTORS SUPPLY COMPANY, INC. d/b/a ABC SUPPLY COMPANY, on certain real property, which is the Debtor's principal residence.

3. Prior to commencement of this case, Debtor, ROBERT FUENTES was indebted to AMERICAN BUILDERS & CONTRACTORS SUPPLY COMPANY, INC. d/b/a ABC SUPPLY COMPANY, by reason of a certain money Judgment entered against him on or about June 29, 2018 and filed June 29, 2018, recorded at the office of the Oklahoma County Clerk on July 18, 2018, at 8:39 a.m., Book RE13788, Page 1515, American Builders & Contractors Supply Company, Inc., d/b/a ABC Supply Company, v Robert Fuentes, et al., Case number CJ-2017-7232, in the District Court of Oklahoma County, State of Oklahoma.
4. Prior to commencement of this case, Debtor, ROBERT FUENTES and SANDRA FUENTES were indebted to AMERICAN BUILDERS & CONTRACTORS SUPPLY COMPANY, INC. d/b/a ABC SUPPLY COMPANY, by reason of a certain foreclosure Judgment entered against them on or about January 23, 2019 and filed January 23, 2019, recorded at the office of the Cleveland County Clerk on July 16, 2018, at 10:52 a.m., Doc. # M2018-8785, Book 233, Page 363, American Builders & Contractors Supply Company, Inc., d/b/a ABC Supply Company, v Robert Fuentes, and Sandra Fuentes, Case number CJ-2018-1355, in the District Court of Cleveland, State of Oklahoma.
5. The Debtors' interest in the real property which is their principal residence,

located at 2512 East Hills Drive, Moore OK, 73160, is claimed as exempt pursuant to Okla. Stat. tit. 31, § 1(A)(1), and is described as follows:

Lot Thirty-Three (33), in Block One (1), of EAST HILLS ADDITION, Lots 23 thru 33 Incl. of Block 1, and Lots 18 thru 20 Incl. of Block 2, and Blocks 3 thru 8 Incl., of SECTION VI, to Moore, Cleveland County, Oklahoma, according to the recorded plat thereof.

6. The existence of said lien on Debtors' real property impairs exemptions to which the Debtors would be entitled under 11 U.S.C. § 522(b).

WHEREFORE, premises considered, Debtors pray for the cancellation and avoidance of said judicial lien against their residential real estate, and for such other and further relief as this Court deems just and equitable.

Dated: March 27, 2019.

Respectfully submitted,

/s/ B David Sisson

B. DAVID SISSON, OBA # 13617  
LAW OFFICES OF B. DAVID SISSON  
305 E Comanche St. /P. O. Box 534  
Norman, OK 73070-0534  
Telephone No. 405.447.2521  
Facsimile No. 405.447.2552

ATTORNEY FOR DEBTORS

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of March, 2019, a true and correct copy of the *Motion to Avoid Judicial Lien with Brief Combined, and Notice of Opportunity for Hearing* was electronically served using the CM/ECF system, namely:

Asst. U. S. Trustee | Ustpreion20.oc.ecf@usdoj.gov  
Misti L. Beanland Esq. | beanland@mssattorneys.com  
Bill C. Lester Esq. | BLester@lesterlawoffice.com  
Lyle R. Nelson, Trustee | lyle@lylenelsonlaw.com

I further certify that on this 27<sup>th</sup> Day of March, 2019, a true and correct copy of the *Motion to Avoid Judicial Lien with Brief Combined, and Notice of Opportunity for Hearing* was served by depositing the same in the U. S. Mail, first class and with sufficient postage thereon, to:

ABC Supply Company  
P O Box 82399  
Oklahoma City OK 73148

The Corporation Service Company  
10300 Greenbriar Drive  
Oklahoma City OK 73159

Robinett, Swartz & Aycok  
624 Boston Ave., Suite 900  
Tulsa OK 74119

American Builders & Contractors Supply  
Company, Inc.  
Attn: Kevin Hendricks, Executive  
1 ABC Pkwy  
Beloit, WI 53511-4466

Robert Fuentes  
Sandra Fuentes  
308 Falling Pine Drive  
Moore OK 73160

/s/ B David Sisson